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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/049,820   | 02/19/2002  | Michael Bach         | 32860-000186/US     | 6263             |
| 30596  | 7590        | 11/12/2003           | EXAMINER            |                  |
| HARNESS, DICKEY & PIERCE, P.L.C.<br>P.O.BOX 8910<br>RESTON, VA 20195 |             |                      |                     | LEE, JINHEE J    |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2831   |             |                      |                     |                  |

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/049,820             | BACH ET AL.         |
| <b>Examiner</b>              | <b>Art Unit</b>        |                     |
| Jinhee J Lee                 | 2831                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## ***Office Action Summary***

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 8/803 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 9. 6)  Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outer cross section of claim 1 and fastener of claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the outer contour" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 6, 8, 10, 11, 14, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pritzen, Jr. (3584138).

Re claim 1, Pritzen, Jr. discloses a connecting bar ((housing 10 for example) comprising: an outer cross section (outer edges of 12 for example), an outer contour being fastenable to a wall by a fastener, wherein the connecting bar is hollow (at 33 for example), with a similar outer cross section to other connecting bars (12, 12" for example), with a remaining wall thickness being adapted to a respective nominal current (see figures 1, 3 and 6).

Re claim 2, Pritzen, Jr. discloses a connecting bar, wherein the connecting bar includes only one cavity (see figure 1 for example).

Re claim 3, Pritzen, Jr. discloses a connecting bar, wherein the connecting bar includes a plurality of cavities (see figure 6 for example).

Re claim 4, Pritzen, Jr. discloses a connecting bar , wherein the connecting bar includes at least one bore (40 for example) for fastening purposes (see figure 1 and 6 for example).

Re claim 6, Pritzen, Jr. discloses a connecting bar , wherein the connecting bar includes at least two bores (40 for example) and wherein a bore in a connecting bar on

an upper side and a bore on an underside are arranged in a common axis (see figure 1 for example).

Re claim 8, Pritzen, Jr. discloses a connecting bar , wherein the connecting bar includes a plurality of cavities, between which, at least one suitable web (250 for example) is included for fastening purposes (see figure 6 for example).

Re claim 10, Pritzen, Jr. discloses a connecting bar , wherein the at least one bore (40 for example) in the connecting bar is arranged in a web (see figure 1 for example).

Re claim 11, Pritzen, Jr. discloses a connecting bar , including at least one stop (ends 39 for example, see figure 1).

Re claim 14, Pritzen, Jr. discloses a connecting bar, including a plurality of bores for fastening purposes (40 for example, see figure 1).

Re claim 16, Pritzen, Jr. discloses a connecting bar , including a plurality of webs, each between cavities (see figure 6).

Re claim 18, Pritzen, Jr. discloses a connecting bar , wherein the at least one bore (40 for example) in the connecting bar is arranged in a web (see figure 1 for example).

Re claim 19, Pritzen, Jr. discloses a connecting bar , including a plurality of stops for axial fixing (ends 39 for example, see figure 1).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritzen, Jr. in view of Anderson et al. (4820178).

Re claim 5, Pritzen, Jr. substantially discloses a connecting bar as set forth in claim 4 with a bore. Pritzen, Jr. does not disclose that the bore is threaded. However, Anderson et al. teaches of a bore (26 for example) that is threaded (see figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the threaded bore of Anderson et al. on the connecting bar of Pritzen, Jr. in order to arrange plastic plug-in.

Re claim 15, Pritzen, Jr. substantially discloses a connecting bar as set forth in claim 4 with plurality of bores. Pritzen, Jr. does not disclose that the bores are threaded. However, Anderson et al. teaches of bores (26 for example) that are threaded (see figure 1). It would have been obvious to one having ordinary skill in the

art at the time the invention was made to use the threaded bores of Anderson et al. on the connecting bar of Pritzen, Jr. in order to arrange plastic plug-in.

10. Claims 7, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritzen, Jr.

Re claim 7, Pritzen, Jr. substantially discloses a connecting bar as set forth in claim 4 with at least two bores. Pritzen, Jr. does not explicitly disclose a bore in a connecting bar on an upper side and a bore on an underside arranged offset with respect to one another. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use offset bores, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Re claim 9, Pritzen, Jr. substantially discloses a connecting bar as set forth in claim 4 above. Pritzen, Jr. does not explicitly disclose a bore in a connecting bar arranged in the region of cavity. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use at least one bore arranged in the region of cavity, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Re claim 17, Pritzen, Jr. substantially discloses a connecting bar as set forth in claim 8 above. Pritzen, Jr. does not explicitly disclose a bore in a connecting bar arranged in the region of cavity. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use at least one bore arranged in the

region of cavity, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pritzen, Jr. in view of Giger, Jr. et al. (3609215).

Re claim 12, Pritzen, Jr. substantially discloses a connecting bar as set forth in claim 1 with the cavity arranged transversely with respect to a longitudinal extent of the connecting bar. Pritzen, Jr. does not disclose that the cavity is open on both sides. However, Giger, Jr. et al. teaches of a connecting bar that is open on both sides (see figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the connecting bar open on both sides of Giger, Jr. et al. on the connecting bar of Pritzen, Jr. in order to allow movement of bus bar sections.

#### ***Response to Arguments***

12. Applicant's arguments filed 8/8/03 have been fully considered but they are not persuasive.

In response to applicant's arguments that Pritzen, Jr. does not disclose "a connecting bar that is hollow, with a similar outer cross section to other connecting bars, with a cross-sectional surface of a remaining wall thickness being adapted to a respective nominal current". Examiner disagrees. The housing in Pritzen, Jr. is hollow and holds "bus bars" (see abstract and figures 1 and 3 for example.) The housing in Pritzen, Jr. also has a similar outer cross section to other connecting bars (for example see figures 1 and 5).

In regards to the argument that Pritzen, Jr. does not disclose "cross-sectional surface of a remaining wall thickness being adapted to a respective nominal current", it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 703-306-0154. The examiner can normally be reached on M, T, Th, F at 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 703-308-3682. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703-872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

jjl  
October 21, 2003

*Dean A. Reichard* 10/31/03  
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